

CHAPTER NO. 727

SENATE BILL NO. 3069

By Atchley, Gilbert

Substituted for: House Bill No. 3084

By Rinks, Bowers, Raymond Walker

AN ACT To amend Tennessee Code Annotated, Section 66-5-210, relative to modifications to the disclosure form under the Tennessee Residential Property Disclosure Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 66-5-210, is amended by deleting the section in its entirety, and by substituting instead the following language:

Following is the form prescribed by the General Assembly which is necessary to comply with the provisions of this part. The form used does not have to be the one included in this section, but it is the intent of the General Assembly that any such form includes all items contained in the form below with all acknowledgement provisions of such form:

Tennessee Residential Property Condition Disclosure

The Tennessee Residential Property Disclosure Act states that anyone transferring title to residential real property must provide information about the condition of the property. This completed form constitutes that disclosure by the Seller. This is not a warranty, or a substitute for any professional inspections or warranties that the purchasers may wish to obtain. **Buyers and sellers should be aware that any sales agreement executed between the parties will supersede this form as to any obligations on the part of the seller to repair items identified below and/or the obligation of the buyer to accept such items "as is".**

Instructions to the Seller:

Complete this form yourself and answer each question to the best of your knowledge. If an answer is an estimate, clearly label it as such. The Seller hereby authorizes any agent(s) representing any party in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the subject property.

Property Address \_\_\_\_\_

City \_\_\_\_\_

Seller's Name(s) \_\_\_\_\_

Property Age \_\_\_\_\_

Date Seller Acquired the Property \_\_\_\_\_

Do You Occupy the Property? \_\_\_\_\_

If Not Owner-Occupied, How Long Has It Been Since the Seller Occupied the Property? \_\_\_\_\_

A. The Subject Property Includes the Items Checked Below:

\_\_\_\_\_ Range

☐ Oven  
☐ Microwave  
☐ Dishwasher  
☐ Garbage Disposal  
☐ Trash Compactor  
☐ Water Softener  
☐ 220 Volt Wiring  
☐ Washer/Dryer Hookups  
☐ Central Heating  
☐ Heat Pump  
☐ Central Air Conditioning  
☐ Wall/Window Air Conditioning  
☐ Window Screens  
☐ Rain Gutters  
☐ Fireplace(s) (Number )  
☐ Gas Starter for Fireplace  
☐ Smoke Detector/Fire Alarm  
☐ Burglar Alarm  
☐ Patio/Decking/Gazebo  
☐ Irrigation System  
☐ Sump Pump  
☐ Garage Door Opener(s) (Number of openers )  
☐ Intercom  
☐ TV Antenna/Satellite Dish  
☐ Pool  
☐ Spa/Whirlpool Tub  
☐ Hot Tub  
☐ Sauna  
☐ Current Termite Contract  
☐ Access to Public Streets  
☐ Other   
☐ Other   
Garage: ☐ Attached ☐ Not Attached ☐ Carport  
Water Heater: ☐ Gas ☐ Solar ☐ Electric  
Water Supply: ☐ City ☐ Well ☐ Private  
☐ Utility ☐ Other  
Waste Disposal: ☐ City Sewer ☐ Septic Tank ☐ Other   
Gas Supply: ☐ Utility ☐ Bottled ☐ Other   
Roof(s): Type  Age (approx.)   
Other Items:   
To the best of your knowledge, are any of the above NOT in operating condition?  
☐ YES ☐ NO  
If YES, then describe (attach additional sheets if necessary):

**B. Are You (Seller) Aware of Any Defects/Malfunctions in Any of the Following?**

Interior Walls	YES	NO	UNKNOWN
Ceilings	YES	NO	UNKNOWN
Floors	YES	NO	UNKNOWN
Windows	YES	NO	UNKNOWN
Doors	YES	NO	UNKNOWN
Insulation	YES	NO	UNKNOWN
Plumbing	YES	NO	UNKNOWN

Sewer/Septic		YES	NO	UNKNOWN
Electrical System		YES	NO	UNKNOWN
Exterior Walls		YES	NO	UNKNOWN
Roof	YES	NO	UNKNOWN	
Basement	YES	NO	UNKNOWN	
Foundation	YES	NO	UNKNOWN	
Slab		YES	NO	UNKNOWN
Driveway	YES	NO	UNKNOWN	
Sidewalks	YES	NO	UNKNOWN	
Central heating	YES	NO	UNKNOWN	
Heat pump		YES	NO	UNKNOWN
Central air conditioning	YES	NO	UNKNOWN	

If any of the above is/are marked YES, please explain:

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C. Are You (Seller) Aware of Any of the Following?

1. Substances, materials or products which may be an environmental hazard such as, but not limited to: asbestos, radon gas, lead-based paint, fuel or chemical storage tanks and/or contaminated soil or water on the subject property?

YES NO UNKNOWN

2. Features shared in common with adjoining land owners, such as walls, but not limited to, fences, and/or driveways, with joint rights and obligations for use and maintenance?

YES NO UNKNOWN

3. Any authorized changes in roads, drainage or utilities affecting the property, or contiguous to the property?

YES NO UNKNOWN

4. Any changes since the most recent survey of the property was done?

YES NO UNKNOWN

Most recent survey of the property: \_\_\_\_\_ (check here if unknown.)?

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5. Any encroachments, easements, or similar items that may affect your ownership interest in the property?

YES NO UNKNOWN

6. Room additions, structural modifications or other alterations or repairs made without necessary permits?

YES NO UNKNOWN

7. Room additions, structural modifications or other alterations or repairs not in compliance with building codes?

YES NO UNKNOWN

8. Landfill (compacted or otherwise) on the property or any portion thereof?

YES NO UNKNOWN

9. Any settling from any cause, or slippage, sliding or other soil problems?

YES NO UNKNOWN

10. Flooding, drainage or grading problems?

YES NO UNKNOWN

11. Any requirement that flood insurance be maintained on the property?

YES NO UNKNOWN

12. Property or structural damage from fire, earthquake, floods or landslides?

YES NO UNKNOWN

If yes, has said damage been repaired? \_\_\_\_\_

13. Any zoning violations, nonconforming uses and/or violations of "setback" requirements?

YES NO UNKNOWN

14. Neighborhood noise problems or other nuisances?

YES NO UNKNOWN

15. Subdivision and/or deed restrictions or obligations?

YES NO UNKNOWN

16. A Homeowners Association (HOA) which has any authority over the subject property?

YES NO UNKNOWN

Name of HOA: \_\_\_\_\_

HOA Address: \_\_\_\_\_

Monthly Dues: \_\_\_\_\_ Special Assessments: \_\_\_\_\_

17. Any "common area" (facilities such as, but not limited to, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

YES NO UNKNOWN

18. Any notices of abatement or citations against the property?

YES NO UNKNOWN

19. Any lawsuit(s) or proposed lawsuit(s) by or against the seller which affects or will affect the property?

YES NO UNKNOWN

20. Is any system, equipment or part of the property being leased?

YES NO UNKNOWN

If yes, please explain, and include a written statement regarding payment information.

\_\_\_\_\_

21. Any exterior wall covering of the structure(s) covered with exterior insulation and finish systems (EIFS), also known as "synthetic stucco"?

YES NO UNKNOWN

If yes, has there been a recent inspection to determine whether the structure has excessive moisture accumulation and/or moisture related damage? (The Tennessee Real Estate Commission urges any buyer or seller who encounters this product to have a qualified professional inspect the structure in question for the preceding concern and provide a written report of the professional's finding.)

YES NO UNKNOWN

If yes, please explain. If necessary, please attach an additional sheet.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. Certification: I/we certify that the information herein, concerning the real property located at \_\_\_\_\_, is true and correct to the best of my/our knowledge as of the date signed. Should any of these conditions change prior to conveyance of title to this property, these changes will be disclosed in addendum to this document.

\_\_\_\_\_  
Transferor (Seller) \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Transferor (Seller) \_\_\_\_\_ Date \_\_\_\_\_

Parties may wish to obtain professional advice and/or inspections of the property and to negotiate appropriate provisions in the purchase agreement regarding advice, inspections or defects.

Transferee/Buyer's Acknowledgement:

I/we understand that this disclosure statement is not intended as a substitute for any inspection, and that I/we have a responsibility to pay diligent attention to and inquire about those material defects which are evident by careful observation.

I/we acknowledge receipt of a copy of this disclosure.

\_\_\_\_\_  
Transferee (Buyer) \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Transferee (Buyer)

\_\_\_\_\_  
Date


SECTION 2. This act shall take effect July 1, 1998, the public welfare requiring it.

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**PASSED: March 26, 1998**

**APPROVED this 8th day of April 1998**

  
DON SUNDQUIST, GOVERNOR